


MEMORANDUM FOR: Legislative Counsel

SUBJECT: H.R. 4048, An Act making recommendations to the States for the enactment of legislation to permit and assist Federal personnel, including members of the Armed Forces, and their families, to exercise their voting franchise, and for other purposes.

1. Subject bill has been reviewed in accordance with your request. This review indicates that it would affect a limited number of Agency employees by giving them an opportunity to vote while overseas, whereas that choice may not have previously existed. Although it is possible that subsequent state legislation might establish requirements negating this opportunity, there are no apparent objections to the present bill from an Agency point of view personnel-wise.

2. Accordingly, no further action by your office appears necessary. We would appreciate being kept informed of the progress of this proposal, however, because of its interest to Agency employees.

STATINTL



Harrison G. Reynolds
Director of Personnel

NOTICE OF PENDING LEGISLATION		DATE
		LEGISLATIVE BILL NO. H. R. 4048
SECTION I GENERAL		
TO :		FROM: LEGISLATIVE COUNSEL OFFICE OF GENERAL COUNSEL
THE ATTACHED BILL, WHICH HAS BEEN INTRODUCED INTO CONGRESS, IS:		
<input type="checkbox"/> SENT TO YOU FOR INFORMATION ONLY.		
<input type="checkbox"/> A BILL ON WHICH FAVORABLE CONGRESSIONAL ACTION: <input checked="" type="checkbox"/> IS <input type="checkbox"/> IS NOT PREDICTED.		
<input checked="" type="checkbox"/> SENT FOR YOUR COMMENT AS TO WHETHER IT IS OF INTEREST TO CIA ACTIVITIES, AND WHETHER FURTHER ACTION BY THIS OFFICE IS NECESSARY OR DESIRED.		
IT IS REQUESTED THAT COMMENTS CONCERNING THIS LEGISLATION BE FORWARDED, THROUGH APPROPRIATE CHANNELS, TO THIS OFFICE, BY _____		
SECTION II COMMENTS (From Original Addressee)		
TO : LEGISLATIVE COUNSEL OFFICE OF GENERAL COUNSEL		FROM:
25 February 1955 84/1		
AN ACT		
Making recommendations to the States for the enactment of legislation to permit and assist Federal personnel, including members of the Armed Forces, and their families, to exercise their voting franchise, and for other purposes.		
Distribution:		
House Report No. 60 <i>Passed House Feb 24 55</i> <i>27 Apr 55</i> <i>Senate Report 580</i> <i>Dist 26 July 55</i> <i>House Conference Report 1625</i> <i>Dist 2 Sept 55</i> <i>PL 296 Dist 5 Oct 55</i>		
DATE OF COMMENTS	SIGNATURE AND TITLE	EXTENSION
Approved For Release 2002/01/02 : CIA-RDP59-00224A000200360001-4		

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84TH CONGRESS 1st Session	}	HOUSE OF REPRESENTATIVES	}	REPORT No. 1625
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FEDERAL VOTING ASSISTANCE ACT OF 1955

AUGUST 2, 1955.—Ordered to be printed

Mr. BURLESON, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H. R. 4048]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4048) making recommendations to the States for the enactment of legislation to permit and assist Federal personnel, including members of the Armed Forces, and their families, to exercise their voting franchise, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment and agree to the same.

OMAR BURLESON,
ROBERT T. ASHMORE,
ALBERT P. MORANO,
Managers on the Part of the House.
THEODORE FRANCIS GREEN,
ALBERT GORE,
CARL T. CURTIS,
Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4048) to permit and assist Federal personnel, including members of the Armed Forces, and their families, to exercise their voting franchise, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Section 307 of the House bill contained a provision repealing in its entirety the 1942 soldiers' voting law (act of September 16, 1942 (56 Stat. 753), as amended). The corresponding provision of the Senate amendment repealed only the last three titles of the 1942 law, leaving in effect the portion of that law which makes certain of its provisions mandatory in time of war.

The Senate recedes from its amendment, with the result that all of the provisions of the House bill are retained in the form in which they passed the House.

OMAR BURLESON,
ROBERT T. ASHMORE,
ALBERT P. MORANO,

Managers on the Part of the House.

Public Law 296 - 84th Congress
Chapter 656 - 1st Session
H. R. 4048

AN ACT

All 69 Stat. 584.

Making recommendations to the States for the enactment of legislation to permit and assist Federal personnel, including members of the Armed Forces, and their families, to exercise their voting franchise, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Federal Voting Assistance Act of 1955".

The Federal
Voting As-
sistance Act
of 1955.

TITLE I

RECOMMENDATIONS OF THE CONGRESS TO THE SEVERAL STATES

SEC. 101. The Congress hereby expresses itself as favoring, and recommends that the several States take, immediate legislative or administrative action to enable every person in any of the following categories who is absent from the place of his voting residence to vote by absentee ballot in any primary, special, or general election held in his election district or precinct, if he is otherwise eligible to vote in that election:

Absentee
ballot.

(1) Members of the Armed Forces while in the active service, and their spouses and dependents.

(2) Members of the merchant marine of the United States, and their spouses and dependents.

(3) Civilian employees of the United States in all categories serving outside the territorial limits of the several States of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil-service laws and the Classification Act of 1949, and whether or not paid from funds appropriated by the Congress.

63 Stat. 954.
5 USC 1071
note.

(4) Members of religious groups or welfare agencies assisting members of the Armed Forces, who are officially attached to and serving with the Armed Forces, and their spouses and dependents.

SEC. 102. To afford ample opportunity for persons covered by section 101 of this Act to vote for Federal, State, and local officials and to use the absentee balloting procedures to the greatest extent possible, it is recommended that each of the several States—

Procedures.

(1) accept as applications for absentee ballots under such States' absentee balloting laws, as applications for registration under such States' election laws, and as sources of information to implement State absentee balloting laws, the form of post card (when duly executed by a person covered by section 101 of this Act) provided pursuant to this Act;

(2) waive registration of persons covered by section 101 of this Act, who, by reason of their service, have been deprived of an opportunity to register;

(3) accept the post card application provided pursuant to this Act as a simultaneous application for registration and for ballot;

(4) if a special application is required for registration by mail, provide that the necessary forms will be sent with the absentee ballot and may be returned with it;

(5) make provision for persons eligible to register and qualified to vote, who have been honorably discharged from the Armed Forces, or have terminated their service or employment, too late to register at the time when, and at the place where, registration is required, to vote at the election next ensuing after such discharge or termination.

(6) authorize and instruct the State or local election officials, upon receipt of the post card application provided pursuant to this Act, to mail immediately to the applicant a ballot, instructions for voting and returning the ballot, and a self-addressed envelope;

(7) provide that there be printed across the face of each envelope in which a ballot is sent two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be one and one-quarter inches from the top of the envelope, and with the words "Official Election Balloting Material—via Air Mail", or similar language, between the bars; that there be printed in the upper right corner of each such envelope, in a box, the words "Free of U. S. Postage, Including Air Mail"; that all printing on the face of each such envelope be in red; and that there be printed in red in the upper left corner of each State ballot envelope an appropriate inscription or blanks for return address of sender;

(8) provide that the gummed flap of the State envelope supplied for the return of the ballot be separated by a wax paper or other appropriate protective insert from the remaining balloting material and that there be included in State voting instructions a procedure to be followed by absentee voters, such as notation of the facts on the back of the envelope duly signed by the voter and witnessing officer, in instances of adhesion of the balloting material;

(9) reduce in size and weight of paper, as much as possible, envelopes, ballots, and instructions for voting procedure;

(10) for the purposes of this Act, authorized oaths required by State law to be administered and attested by any commissioned officer in the active service of the Armed Forces, or any member of the merchant marine of the United States designated for this purpose by the Secretary of Commerce, or any civilian official empowered by State or Federal law to administer oaths;

(11) include in State voting instructions express information concerning the type or types of writing instruments which may be used to mark the absentee ballot, preferably pen or indelible pencil; and

(12) provide that absentee ballots will be available for mailing to the applicant as soon as practicable before the last date on which such ballot will be counted.

Statistical
data.

SEC. 103. It is recommended that each of the several States make available to the officer designated by the President under section 201 of this Act appropriate statistical data to assist him in compiling comprehensive information of operations under this Act.

TITLE II

FEDERAL RESPONSIBILITIES

Presidential
designee.

Report.

SEC. 201. The President is hereby authorized to designate, with provision for redelegation, the head (hereinafter referred to as the Presidential designee) of any executive department or agency to coordinate and facilitate such actions as may be required to discharge Federal responsibilities under this Act. The Presidential designee is authorized to request from other executive departments and agencies such assistance as he deems necessary to effectuate the purposes of this Act, and shall submit a report to the President and to the Congress in odd-numbered years. Such report shall cover the administration of Federal responsibilities authorized under this title, the progress of the States in carrying out the recommendations contained in title I, sta-

tistical data relating to absentee voting, and such other information as the Presidential designee may consider appropriate.

Sec. 202. The Presidential designee shall request, annually or more often when appropriate, each State to furnish him with current absentee voting information for such State. Such information shall include election dates, officers to be elected, constitutional amendments, and other proposals to be voted on, absentee registration and voting procedures, and other relevant data. As soon as possible after receipt of such information, he shall furnish it to the departments and agencies of the executive branch affected by this Act. Such departments and agencies are authorized to reprint and distribute such information to the extent necessary.

Sec. 203. All Government officials shall, to the extent practicable and compatible with their primary responsibilities, cooperate with the Presidential designee in carrying out the purposes of this Act. All such officials shall, as far as practicable, take all reasonable measures to expedite, transmit, deliver, and return post cards, ballots, envelopes, and instructions for voting procedures mailed to or by persons to whom this Act is applicable. In addition, and as requested by the Presidential designee, it shall be the duty of—

(1) the Attorney General to cooperate and advise with the Council of State Governments in the formulation of drafts of State legislation designed to implement the recommendations for State action contained in this Act;

(2) the Administrator of General Services to cause to be printed and distributed post cards for use in accordance with the provisions of this Act. Such post cards shall, wherever practicable and compatible with other operations, be made available by the department or agency concerned to persons to whom this Act is applicable for use at any general election at which electors for President and Vice President or Senators and Representatives are to be voted for. For use in such elections post cards shall be made available outside the territorial limits of the United States not later than August 15 prior to the election and within the territorial limits of the United States not later than September 15 prior to the election. To the extent practicable and compatible with other operations, post cards shall also be made available at appropriate times to such persons for use in other general, primary, and special elections; and

(3) the Postmaster General and the heads of the departments and agencies concerned, where practicable and compatible with their operations, to facilitate the transmission of balloting material to and from persons to whom this Act is applicable. Ballots executed outside the United States by persons to whom this Act is applicable shall be returned by priority airmail wherever practicable, and such mail may be segregated from other forms of mail and placed in special bags marked with special tags printed and distributed by the Postmaster General for this purpose.

Sec. 204. The form of the Federal post card application shall be as follows:

(a) The cards shall be approximately nine and one-half by four and one-eighth inches in size.

(b) Upon one side, perpendicular to the long dimension of the card, there shall be printed in black type the following:

Pub. Law 296
All 69 Stat. 587.

-4-

FILL OUT BOTH SIDES OF CARD

POST CARD APPLICATION FOR ABSENTEE BALLOT

State or Commonwealth of _____ (Fill in name of State or Commonwealth)

(1) I hereby request an absentee ballot to vote in the coming election:
(GENERAL) (PRIMARY)* (SPECIAL) ELECTION
(Strike out inapplicable words)

(2) * If a ballot is requested for a primary election, print your political party affiliation or preference in this box: _____
(If primary election is secret in your State, do not answer)

(3) I am a citizen of the United States, eligible to vote in above State, and am:

a. A member of the Armed Forces of the United States _____

b. A member of the merchant marine of the United States _____

c. A member of a religious or welfare organization assisting servicemen _____

d. A civilian employed by the United States Government outside the United States (continental) _____

e. A spouse or dependent of a person listed in (a), (b), or (c) above _____

f. A spouse or dependent residing with a person described in (d) above _____

(4) I was born on _____ (Day) _____ (Month) _____ (Year)

(5) For _____ years preceding the above election my home (not military) residence in the above State has been _____
(Street and number or rural route, etc.)
The voting precinct or election district for this residence is _____
(Enter if known)

(6) Remarks: _____

(7) Mail my ballot to the following official address:

(Unit (Co., Sq., Trp., Bn., Etc.), Governmental Agency, or Office)

(Military Base, Station, Camp, Fort, Ship, Airfield, etc.)

(Street No., APO, or FPO No.)

(City, Postal Zone, and State)

(8) I am NOT requesting a ballot from any other State and am not voting in any other manner in this election, except by absentee process, and have not voted and do not intend to vote in this election at any other address.

(9) _____
(Signature of person requesting ballot)

(10) _____
(Full name, typed or printed, with rank or grade, and service number)

(11) Subscribed and sworn to before me on _____ (Day, month, and year)

(Signature of official administering oath) (Typed or printed name of official administering oath)

(Title or rank, service number, and organization of administering official)

INSTRUCTIONS

- A. Before filling out this form see your voting officer in regard to the voting laws of your State and absentee registration and voting procedure.
- B. Type or print all entries except signatures. FILL OUT BOTH SIDES OF CARD.
- C. Address card to proper State official. Your voting officer or commanding officer will furnish you his title and address.
- D. Mail card as soon as your State will accept your application.
- E. NO postage is required for the card.

(c) Upon the other side of the card there shall be printed in red type the following:

FILL OUT BOTH SIDES OF THE CARD

----- (Name) -----	
----- (Unit, Gov. Agency, or Office) -----	FREE OF U. S. Postage Including Air Mail
----- (Mtl. Base, Station, Ship or Office) -----	
----- (Street No., APO, or FPO No.) -----	
----- (City, Postal Zone, State) -----	

OFFICIAL ELECTION BALLOTING MATERIAL -VIA AIR MAIL	

To : -----	(Title of Election Official)
-----	(County or Township)
-----	(City or Town, State)

SEC. 205. The previously authorized Federal post card form shall be utilized prior to and in connection with the election for Members of Congress next ensuing after the date of enactment of this Act, and the Presidential designee shall initiate action to make such forms available to departments and agencies having a need therefor. Thereafter only the post card form authorized in this Act shall be utilized.

TITLE III

DEFINITIONS AND MISCELLANEOUS PROVISIONS

SEC. 301. As used in this Act—

(1) The term "Armed Forces" means the uniformed services as defined in section 102 of the Career Compensation Act of 1949 (63 Stat. 804), as amended. 37 USC 231.

(2) The term "members of the merchant marine of the United States" means persons (other than members of the Armed Forces) employed as officers or members of crews of vessels documented under the laws of the United States, or of vessels owned by the United States, or of vessels of foreign-flag registry under charter to or control of the United States, and persons (other than members of the Armed Forces) enrolled with the United States for employment, or for training for employment, or maintained by the United States for emergency relief service, as officers or members of crews of any such vessels; but does not include persons so employed, or enrolled for such employment or for training for such employment, or maintained for such emergency relief service, on the Great Lakes or the Inland waterways.

(3) The term "dependent" means any person who is in fact a dependent.

SEC. 302. Official post cards, ballots, voting instructions, and envelopes referred to in this Act, whether transmitted individually or in bulk, shall be free of postage, including air-mail postage, in the United States mails.

SEC. 303. Every individual concerned with the administration of this Act shall take all necessary steps to prevent fraud, to protect voters against coercion of any sort, and to safeguard the integrity and secrecy of ballots cast.

Acts in good faith, etc. SEC. 304. No act done in good faith under this Act by a person serving in or with the Federal or military service of the United States in the exercise of his judgment as to what was practicable and compatible with military, merchant marine, or other Federal governmental operations, shall constitute a violation of any provision of law relating to the elective franchise.

SEC. 305. It shall be unlawful for any commissioned, noncommissioned, warrant, or petty officer in the Armed Forces (1) to attempt to influence any member of the Armed Forces to vote or not to vote for any particular candidate, or (2) to require any member of the Armed Forces to march to any polling place or place of voting, but nothing in this Act shall be deemed to prohibit free discussion regarding political issues or candidates for public office.

Separability. SEC. 306. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

Repeal. SEC. 307. The Act entitled "An Act to provide for a method of voting, in time of war, by members of the land and naval forces absent from the place of their residence", approved September 16, 1942 (56 Stat. 753), as amended, is repealed.

50 USC 301-355. Appropriation. SEC. 308. There are hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act.

Approved August 9, 1955.

Calendar No. 585

84TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 580

THE FEDERAL VOTING ASSISTANCE ACT OF 1955

JUNE 17 (legislative day, JUNE 14), 1955.—Ordered to be printed

Mr. GREEN, from the Committee on Rules and Administration,
submitted the following

R E P O R T

[To accompany H. R. 4048]

The Committee on Rules and Administration, having received from its Subcommittee on Privileges and Elections its report on recommended changes to the act of September 16, 1942, as amended, entitled "An act to provide for a method of voting, in time of war, by members of the land and naval forces absent from their place of residence," after considering and adopting same, report it to the Senate with an accompanying bill (H. R. 4048) entitled "An act making recommendations to the States for the enactment of legislation to permit and assist Federal personnel, including members of the Armed Forces, and their families, to exercise their voting franchise, and for other purposes," without amendment, and recommend that the bill, as reported, do pass.

The report of the Subcommittee on Privileges and Elections, as adopted by the Committee on Rules and Administration, follows:

INTRODUCTION

The Subcommittee on Privileges and Elections, to whom was referred the bill (H. R. 4048) to permit and assist Federal personnel, including

members of the Armed Forces, and their families, to exercise their voting franchise, and for other purposes, having considered the same, report favorably thereon without amendment.

PURPOSE OF THE BILL

H. R. 4048 would repeal the act of September 16, 1942, as amended, entitled "An act to provide for a method of voting, in time of war, by members of the land and naval forces absent from their place of residence."

It would enact in place of the existing statutes on the subject an entirely new and clarified system for providing a framework through which the members of the Armed Forces, of the United States merchant marine, civilian employees of the United States, and members of other groups assisting the Armed Forces, would be enabled to exercise their voting franchise when absent from their place of residence.

H. R. 4048 recommends that the several States enact changes in their voting laws necessary to assure that Federal personnel might register to vote and cast their votes by the use of post-card applications and that absentee ballots would be distributed to all parts of the world.

The President of the United States would designate the head of a department of Government to coordinate and facilitate the actions required to discharge Federal responsibilities under this act. The Presidential designee would be assisted by all Government officials including the Attorney General, the Administrator of General Services, the Postmaster General, and the heads of other departments and agencies affected.

The act provides safeguards to protect all of the individuals concerned in order that absentee ballots would be sent out to every qualified individual and that fraud or coercion of any sort, or invalidation of ballots, would be prevented.

NEED FOR LEGISLATION

It is basic to our American freedom and to the paramount importance which Americans attach to the rights of individual citizens that every eligible person who wishes to exercise the right to vote should have a fair, uninfluenced opportunity to do so. In the case of individuals serving their country in the Armed Forces, usually away from home or in far-off places, the assurance of this opportunity to exercise the free right of suffrage should be a special obligation of the State and Federal Governments.

Based upon current estimates it is probable that approximately 3 million men and women will be on active duty in the Armed Forces of the United States at the time of the 1956 elections. Of this number, assuming a continuation of circumstances hitherto existing, it is reasonable to estimate that close to a million persons who are of voting age and otherwise eligible to vote will then be overseas scattered in various parts of the world and unable to vote in person in their home communities.

Today, as in the past, there should be virtual nonpartisan unanimity on one point: the goal of easy access to suffrage for those in the Armed Forces. Service personnel give up many things when they enter the military, including the free exercise of some civil rights enjoyed by civilians at home. The sacrifice should not go beyond the surrender of rights that are incompatible with military duties. These men and women of our Armed Forces should be able to expect as much and no less, because of their induction into military service, than those of us who remain at home pursuing normal activities. It certainly would appear unnecessary that our soldiers and sailors and merchant marines must make a special effort to retain their right to vote.

Prior Federal laws failed to take notice of the growing numbers of military personnel and Federal civilian personnel and their dependents. Many thousands of service families have found themselves located temporarily in all parts of the world. While occupation duty is decreasing, military establishments may continue to be maintained in many foreign areas for other reasons and families of military and civilian personnel will continue to be living abroad for temporary periods.

The national interest of the United States requires the service abroad of considerable number of civilians. This seems likely to continue to be the case. Devoting time to problems of those civilians may have a lesser sentimental appeal than those of the serviceman, but is nonetheless real. Appropriate action should be taken by Federal and State Governments to foster participation in the elections of their home communities.

PROPOSED CHANGES IN EXISTING LAW

In compliance with clause 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be repealed is enclosed in black brackets):

ACT OF SEPTEMBER 16, 1942, AS AMENDED

[AN ACT

[To provide for a method of voting, in time of war, by members of the land and naval forces absent from the place of their residence,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[TITLE I

[SPECIAL METHOD OF VOTING IN TIME OF WAR

[SECTION 1. In time of war, notwithstanding any provision of State law relating to the registration of qualified voters, every individual absent from the place of his residence and serving in the land or naval forces of the United States, including the members of the Army Nurse Corps, the Navy Nurse Corps, the Women's Navy Reserve, and the Women's Army Auxiliary Corps, who is or was eligible to register for and is qualified to vote at any election under the law of the State of his residence, shall be entitled, as provided in this Act, to vote for electors of

THE FEDERAL VOTING ASSISTANCE ACT OF 1955

President and Vice President of the United States, United States Senators, and Representatives in Congress.

[Sec. 2. No person in military service in time of war shall be required, as a condition of voting in any election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, to pay any poll tax or other tax or make any other payment to any State or political subdivision thereof.

[Sec. 3. Nothing in this Act shall be deemed to restrict the right of any member of the Armed Forces of the United States or of any other person to vote in accordance with the law of the State of his residence.

[TITLE II

[RECOMMENDATIONS TO THE STATES

[Sec. 201. The Congress hereby expresses itself as favoring, and recommends to the several States the immediate enactment of, appropriate legislation to enable each person absent from the place of his residence and serving in the armed forces of the United States or in the merchant marine of the United States, or who is a civilian outside the United States officially attached to and serving with the armed forces of the United States, who is eligible to vote in any election district or precinct, to vote by absentee ballot in any primary, special, or general election held in his election district or precinct; and in order to afford ample opportunity for such persons to vote for Federal, State, and local officials and to utilize the absentee balloting procedures of the various States to the greatest extent possible, the following provisions are enacted.

[Sec. 202. (a) It is recommended that the several States, in order to avoid expense, duplication of effort, and loss of time, shall accept, as applications for absentee ballots under such States' absentee balloting laws, as applications for registration under such States' election laws, and as sources of information to implement State absentee balloting laws, the form of post card (when duly executed by a person to whom this title is applicable) provided pursuant to section 209 (a) of this title, as amended, or pursuant to section 203 of this title prior to its amendment.

[(b) It is recommended that the several States waive registration of the persons to whom this title is applicable who, by reason of their service, have been deprived of an opportunity to register.

[(c) It is recommended that the States make provision for persons eligible to register and qualified to vote, who have been honorably discharged from the armed forces too late to register at the time when, and at the place where, registration is required, to vote at the election next ensuing after their discharge.

[Sec. 203. (a) It is recommended that the secretary of state of each of the several States, upon receipt of any such post-card application, promptly forward it to the proper county, city, or other election official or officials in order that the request for an absentee ballot may be acted upon as expeditiously as possible.

[(b) It is recommended that the several States cooperate, to the end that county, city, or other election officials be authorized and instructed, upon receipt of an application made upon such a post card, to mail promptly to the voter making the application, if legally permissible under the laws of the State, a suitable absentee ballot, including therewith a self-addressed envelope for the use of the voter in returning the ballot and any instructions to govern the use of such ballot and envelope.

[Sec. 204. (a) It is recommended, so that the envelope in which the ballot is sent to a person to whom this title is applicable, and the envelope supplied for the return of the ballot, may be identified by the Post Office Department and other authorities as carrying an election ballot, that there be printed across the face of each such envelope two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be one and one-quarter inches from the top of the envelope, and with the words "Official Election Balloting Material—Via Air Mail", or similar language as prescribed in State law, between the bars; that there be printed in the upper right corner of each such envelope, in a box, the words "Free of U. S. Postage, Including Air Mail"; and that all printing on the face of each such envelope be in red. It is also recommended that there be printed in red in the upper left corner of each State ballot envelope an appropriate inscription or blanks for return address of sender (State or local election officials, or voter, as the case may be).

[(b) It is recommended, in order to minimize the possibility of physical adhesion of State balloting material, that the gummed flap of the State envelope supplied for the return of the ballot be separated by a wax paper or other appropriate protective insert from the remaining balloting material, and, because such inserts may not prove completely effective, that there also be included in State voting instructions a procedure to be followed by absentee voters in instances of such adhesion of the balloting material, such as a notation of the facts on the back of any such envelope, duly signed by the voter and witnessing officer.

[(c) It is recommended, in order to minimize action necessary to be taken by the voter and to assure legible and proper address, that each envelope supplied for the return of a State absentee ballot be preaddressed by State or local election officials insofar as possible.

[(d) It is recommended that the several States, in order to minimize costs and promote speed in the transporting of absentee voting material being sent to persons to whom this title is applicable, reduce in size and weight of paper, as much as possible, envelopes, ballots, and instructions for voting procedure.

Sec. 205. (a) It is recommended that, in the case of States in which no provision is made, either on the envelope or separately, for sending with the absentee ballots a printed form to be used by a voter for the purpose of establishing his legal right to vote, appropriate action be taken to have printed and enclosed with absentee ballots mailed in response to applications received on the post cards hereinbefore referred to, a form for the signature and oath or affirmation of the voter; and it is suggested that a form substantially as follows would be appropriate for such purpose:

[OATH OF ELECTOR FOR VOTING IN THE
ELECTION TO BE HELD ON _____, 19__

[I do hereby swear (or affirm) that—

[(1) I am a citizen of the United States;

[(2) The date of my birth was _____;

[(3) For _____ years preceding this election my home (not military)
residence has been _____

[(Street and number or rural route)

[(City, town, or village)

(County)

[(State)

[(4) I am serving (check appropriate blank)—

[(a) in the armed forces of the United States _____ ();

[(b) in the merchant marine of the United States _____ ();

[(c) as a civilian outside the United States officially at-
tached to and serving with the armed forces of the
United States _____ (); and

[(5) I have not voted and do not intend to vote in this election at any address
other than the above; and that I have not received or offered, do not
expect to receive, have not paid, offered, or promised to pay, contrib-
uted, offered, or promised to contribute to another, to be paid or used,
any money or other valuable thing as a compensation or reward for the
giving of a vote at this election, and have not made any promise to
influence the giving or withholding of any such vote.

[Voter must write his usual signature here and
oath must be administered and attested.

[Subscribed and sworn to before me this _____ day of _____, 19__

[Commissioned or warrant officer, noncommis-
sioned officer not below the rank of sergeant, or
petty officer, or other person authorized to ad-
minister and attest this oath, shall write his
name here.

[Officer or other person signing above shall print
his rank, rating, or title clearly here.

[(b) It is recommended, with respect to oaths required by State law in con-
nection with applying for and voting by State absentee ballot by persons to
whom this title is applicable, that the States authorize such oaths to be admin-
istered and attested by any commissioned or warrant officer, noncommissioned

officer not below the rank of sergeant, or petty officer, in the armed forces of the United States or any member of the merchant marine of the United States designated for this purpose by the Administrator of the War Shipping Administration.

[SEC. 206. (a) It is recommended that there be included in State voting instructions for persons to whom this title is applicable an express instruction, if legally permissible under the laws of the State, to the effect that the absentee voter, in marking his ballot, may use pencil, pen, crayon, or any other suitable method for indicating his intention, and that States, the existing laws of which would be violated by compliance with such an instruction, cause necessary changes to be made in their election laws.

[(b) It is recommended that State voting instructions be expressed in simple terms and not by use of words of the statute alone.

[SEC. 207. It is recommended that in States where the absentee ballot will not be available for mailing to persons to whom this title is applicable at least forty-five days prior to any primary, general, or special election, such States cause to be made such changes in the election laws of their States as will lengthen such time.

[SEC. 208. It is recommended that each secretary of state furnish by registered mail to the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, and the Administrator of the War Shipping Administration, at least ninety days in advance, information as to primary, special, and general elections within the State at which persons to whom this title is applicable may vote by absentee ballot. The information furnished by the secretaries of state should contain substantially the following:

[STATE OF -----

- [1. Date of election -----
- [2. Type of election (general, special, or primary) -----
- [3. Name or names of governmental units to which it applies -----
- [4. (a) Officers to be elected -----
- [(b) Constitutional amendments or other proposals to be voted upon -----
- [5. Which of the following may vote at this election:
 - [(a) Members of the armed forces -----
 - [(b) Members of the merchant marine -----
 - [(c) Civilians outside the United States officially attached to and serving with the armed forces -----
- [6. (a) From which of the following is the Federal post-card application acceptable as an application for a ballot:
 - [(1) Members of the armed forces -----
 - [(2) Members of the merchant marine -----
 - [(3) Civilians outside the United States officially attached to and serving with the armed forces -----
- [(b) What action is it necessary for the applicant to take if the post card is not acceptable as an application -----
- [7. Earliest date State will receive application -----
- [8. Earliest date the ballot will be mailed -----
- [9. Last day ballot may be received back to be counted -----

[Secretary of State,

[State of -----

[Dated: -----

[COOPERATION WITH THE STATES

[SEC. 209. (a) In order to afford an opportunity for persons to whom this title is applicable to vote for Federal, State, and local officials and to utilize State absentee balloting procedures to the greatest extent possible, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, and the Administrator of the War Shipping Administration, as may be appropriate, shall cause to be printed an adequate number of post cards for use in accordance with the provisions of this title and shall, wherever practicable and compatible with military or merchant-marine operations, cause such post cards to be delivered in hand to each person absent from the place of his residence and serving in the armed forces of the United States or in the merchant marine of the United States, or who is a civilian outside the United States officially attached to and serving with the armed

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forces of the United States, for use for any general election at which electors for President and Vice President or Senators and Representatives in Congress are to be voted for, such cards to be made available outside of the United States not later than August 15 prior to the election, and within the United States not later than September 15 prior to the election. The post cards referred to shall also, wherever practicable and compatible with military or merchant-marine operations, be made available to such persons at appropriate times for use in general elections other than those referred to above and in primary and special elections.

[(b) Upon one side of the post card shall be printed the following:

[(Secretary of State, or other appropriate official within the State of -----

[(1) I hereby request an absentee ballot to vote in the coming
(general) (primary) (special) election.

[(Strike out inapplicable words)

[(2) I am a citizen of the United States, serving--

[(in the armed forces of the United States) ----- ☐

[(in the merchant marine of the United States) ----- ☐

[(as a civilian outside the United States officially attached to
and serving with the armed forces of the United States) ----- ☐

[(3) I was born -----

[(Day) (Month) (Year)

[(4) For ----- years preceding the above election my home (not military) residence in the above State has been -----

[(Street and number or rural route)

----- (City, town, or village)

----- (County)

To the best of

my knowledge, my voting precinct or district is -----

[(5) Mail my ballot to the following service (or merchant marine) address

[(Must include COMPLETE military, naval, or merchant marine MAIL address; include military or naval unit and APO or FPO and Postmaster, for merchant marine include vessel, foreign agent, and port)

[(You must both print and
sign your name)

[(Print name and serial number plainly here)

[(Sign here)

[(If this card is used in
applying for a primary
ballot (but not otherwise), state below choice
of party:

[(Subscribed and sworn to before me on -----

----- [(Day, month, year)

[(Commissioned or warrant officer, noncommissioned officer not below the rank of sergeant, or petty officer, or other person authorized to administer and attest this oath, writes his name and rank or title here)

[(c) Upon the other side of the post card shall be printed in red the following:

[(Name and complete
military, naval, or merchant
marine address

[(Free of U. S. postage
including air mail

[(OFFICIAL ELECTION BALLOTING MATERIAL--
VIA AIR MAIL

[(Secretary of State of -----

----- [(Home State)

----- [(Capital city of home State)

----- [(Home State)

[(d) In lieu of and interchangeably with the post cards referred to, the Secretaries of War, Navy, and Treasury and the Administrator of the War Shipping Administration may continue to make available, and the persons to whom this title is applicable may continue to use, post cards provided under section 203 of this title prior to its amendment until the existing supply thereof is exhausted.

[Sec. 210. (a) It shall, wherever practicable and compatible with military or merchant-marine operations, be the duty of the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the Postmaster General, and the Administrator of the War Shipping Administration, as may be appropriate, to cooperate with appropriate State officers and agencies in transmitting to and from persons to whom this title is applicable, making applications therefor to their several States, such absentee ballots, and envelopes to be used in connection therewith, as may be provided under the laws of the several States for the use of such applicants, and to cooperate in the execution by such applicants of oaths in connection with such ballots.

[(b) The Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the Postmaster General, the Administrator of the War Shipping Administration and other appropriate authorities shall, so far as practicable and compatible with military or merchant-marine operations, take all reasonable measures to facilitate transmission, delivery, and return of post cards, ballots, envelopes, and instructions for voting procedure, mailed to and by persons to whom this title is applicable pursuant to the laws of the several States, whether transmitted by air or by regular mail. Ballots executed outside the United States shall be returned by air, whenever practicable and compatible with military or merchant-marine operations.

[Sec. 211. Whenever practicable and compatible with military or merchant-marine operations, the Secretaries of War, Navy, and Treasury, and the Administrator of the War Shipping Administration, as may be appropriate, shall cause to be made available to persons to whom this title is applicable so much of the information referred to in section 208 of this title as may be received from a secretary of state.

TITLE III

VOTING SAFEGUARDS

[Sec. 301. (a) Every individual concerned with the administration of this Act shall take all necessary steps to prevent fraud, to protect voters against coercion of any sort, and to safeguard the integrity and secrecy of ballots cast.

[(b) It shall be unlawful for any commissioned, noncommissioned, warrant, or petty officer in the armed forces of the United States (1) to attempt to influence any member of the armed forces to vote or not to vote for any particular candidate, or (2) to require any member of the armed forces to march to any polling place or place of voting, but nothing in this Act shall be deemed to prohibit free discussion regarding political issues or candidates for public office.

[(c) No act done in good faith under this Act by a member of the armed forces of the United States, an officer or employee of the War Shipping Administration, or a member of the merchant marine of the United States, in the exercise of his judgment as to what was practicable and compatible with military or merchant-marine operations, shall constitute a violation of any provision of law prohibiting offenses against the elective franchise.

TITLE IV

DEFINITIONS

[Sec. 401. As used in this Act—

[(a) The term "secretary of state" shall include such other official in any State wherever an official other than the secretary of state is the appropriate State official to carry out any function vested in the secretary of state under this Act;

[(b) The term "United States" used geographically includes only the territorial limits of the several States of the United States and the District of Columbia; and

[(c) The term "members of the merchant marine of the United States" means persons (other than members of the armed forces) employed as officers or members of crews of vessels documented under the laws of the United States, or of vessels owned by the United States, or of vessels of foreign-flag registry under charter to or control of the United States, and persons (other than members of the armed forces) enrolled with the United States for employment, or for training

for employment, or maintained by the United States for emergency relief service, as officers or members of crews of any such vessels; but does not include persons so employed, or enrolled for such employment or for training for such employment, or maintained for emergency relief service, on the Great Lakes or the inland waterways.

[FREE POSTAGE]

[Sec. 402. Official post cards, ballots, voting instructions, and envelopes referred to in this Act, whether transmitted individually or in bulk, shall be free of postage, including air-mail postage, in the United States mails.

[ADMINISTRATION]

[Sec. 403. The Secretaries of War and Navy shall be responsible for the administration of this Act with respect to members of the armed forces and civilians outside the United States officially attached to and serving with the armed forces; but the Secretary of the Treasury shall be responsible for the administration of this Act with respect to members of the Coast Guard who are operating under the Treasury Department and civilians outside the United States officially attached to and serving with the Coast Guard. The Administrator of the War Shipping Administration shall be responsible for the administration of this Act with respect to members of the merchant marine of the United States. Any of the officers specified above may delegate to one or more of the others, with his or their consent, any of his functions under this Act.

[SEPARABILITY]

[Sec. 404. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

[ACT TO BE CONSTRUED LIBERALLY]

[Sec. 405. The provisions of this Act shall be construed liberally in order to effectuate its purposes.]

THOMAS C. HENNINGS, Jr., *Chairman.*
ALBERT GORE.
CARL T. CURTIS.